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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FERA APPEAL NO. 52 OF 2007

Ghevarchand C. Jain ... Appellant

Versus

Union of India nad Ors. ... Respondent

Mr. Hitesh . Dabhi for Appellant.

Mr. P.S.Jetly and Mr.Y.S. Bhate for Union of India.

CORAM: F.I. REBELLO &
J.P. DEVADHAR, JJ.
DATED: OCTOBER 19, 2007

P.C.

. The statement of the appellant was recorded under section 40 of the FERA Act on 26.6.1994. It is the case of the Petitioner that at the first available opportunity on 27.6.1994,that he retracted his statement and as such that statement could not have been relied upon. It is further submitted that no foreign exchange was recovered from the appellant herein.

. We have perused the findings recorded by the Special Director. He has recorded a finding that though it was contended that the statement was retracted, no material was produced in support of the contention that the statement which was recorded

was under coercion or duress. The statement of the co -noticee Shri. Abdul Gafur Abdul Usman was also considered from whom the foreign currency was recovered.

. The appellate authority has also dealt with this aspect of the matter namely the confessional statement of the appellant and the statement of the co noticee. The appellate authority has concurred with the findings of fact recorded by the Special Director.

. We have heard the learned counsel for the appellant. The only contention advanced before us is that the statement of the appellant was recorded under section 40 considering his retraction should not be used against him and that no foreign currency was recovered from him. As noted earlier, both the contentions were raised before the authorities below and both the authorities have held against the appellant herein. There is no material to show that these findings suffer from any perversity, warranting interference in this appeal. Apart from that the statement of the appellant statement of the co noticee from whom foreign currency was found have been recorded. Hence, there is no merit in this appeal which is accordingly dismissed.

(J.P. DEVADHAR, J.) **(F.I.REBELLO, J.)**